

Application No. 10/624,238
Amendment dated September 22, 2005
Reply to Office Action of June 28, 2005

REMARKS

This Amendment responds to the Office Action mailed June 28, 2005.

Claims 4, 5 and 9-12 were pending in this application prior to this amendment and stand rejected. Claim 12 has been amended herein, and claims 9-11 have been cancelled without prejudice. Applicant submits that the amended claims are now in complete condition for allowance and respectfully requests reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §103

Claims 4-5 and 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,347,425 to Fattori et al. in view of U.S. Patent No. 5,974,619 to Weihrauch. Claims 9-11 have been cancelled herein without prejudice. Claim 12 is the only independent claim of this rejected group and has been amended to recite:

A dental brush for a rotary dental device,
comprising:

a single brush head comprising an inner
portion and an outer portion;

a plurality of bristles arranged in said outer
portion in a single annular pattern defined by
inner and outer peripheral borders, said bristles
spaced substantially uniformly in both
circumferential and radial directions of said
brush head, said bristles each having an inner
end mounted to said brush head and an outer
tip, said tips collectively defining an annular
concave surface wherein said bristles decrease

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in length from said outer peripheral border
toward said inner peripheral border, said brush
head devoid of bristles in said inner portion
interiorly of said inner peripheral border of said
annular pattern.

Applicant asserts that amended claim 12 is not taught or suggested by the references of record. In particular, Fattori '425 is directed to a toothbrush having tufts of bristles arranged in two separate rings on the brush head and does not teach or suggest bristles arranged in "a single annular pattern defined by inner and outer peripheral borders, said bristles spaced substantially uniformly in both circumferential and radial directions of said brush head," as recited in claim 12. Neither Weihrauch '619 nor any other reference of record teaches or suggests a modification of Fattori '425 that cures this deficiency. Specifically, Weihrauch '619 is directed to a brush having spaced bristles disposed across the entirety of the brush head to promote drying of the bristles, thereby limiting "the settling and growth of bacteria and the incorporation of impurities and contaminants." (Weihrauch '619 at col. 2, lines 35-40). At col. 2, lines 44-46, Weihrauch '619 states, "According to the invention, this problem is solved in that the entire bristle facing consists of individual, closely standing, non-contacting bristles" (emphasis added). Weihrauch '619, therefore, does not teach or suggest modifying the brush of Fattori '425 to have a single annular pattern of bristles, as required by amended claim 12. Rather, Weihrauch '619 teaches away from a brush head that is devoid of bristles at an inner portion of the head. Accordingly, neither Weihrauch '619 nor any other reference of record teaches or suggests a modification of Fattori '425 that results in the invention recited in amended claim 12. For at least these reasons,

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Applicant respectfully requests that the rejection of claim 12 over Fattori '425 in view of Weihrauch '619 be withdrawn.

Claims 4 and 5 each depend from independent claim 12 and are therefore in condition for allowance for at least the reasons stated above for claim 12.

Accordingly, Applicant respectfully requests that the rejections of claims 4 and 5 over Fattori '425 in view of Weihrauch '619 be withdrawn.

Claims 9, 10 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,996,157 to Smith et al. in view of Fattori '425. Claims 9 and 10 have been cancelled and claim 12 has been amended, as discussed above. Applicant asserts that the amendment to claim 12 overcomes the rejection over Smith '157 in view of Fattori '425. Specifically, the Examiner admits that Smith '157 "does not disclose that the brush is devoid of bristles interiorly of the annular bristle arrangement." (Office Action mailed June 28, 2005, at page 5.) The Examiner alleges that it would have been obvious to modify the bristle arrangement of Smith '157 in view of Fattori '425 to make the center portion devoid of bristles. Applicant respectfully traverses.

Smith '157 is directed to a toothbrush having two rotary pads with different length bristles disposed across the entire surface of the pads. The different lengths of the bristles cause the rotary pad to rotate when a user manually manipulates the brush to engage the irregular surfaces of the teeth during brushing. The bristle arrangement of Smith '157 depends upon the centrally located bristles on each of the pads to facilitate turning the rotary pads when the device is manipulated against the teeth of a

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user. Accordingly, eliminating the central bristles from the brush of Smith '157 in view of Fattori '425, as asserted by the Examiner, would make the device unfit for its intended purpose of automatically generating rotary motion from the conventional forward and backward brushing motion manually applied to the teeth. For at least these reasons, Applicant respectfully requests that the rejection of claim 12 over Smith '157 in view of Fattori '425 be withdrawn.

In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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